



# EMPLOYMENT TRIBUNALS

**Claimant** Mr John Parker  
**Respondent** Swindon Grab Hire Limited

**Heard at:** Bristol (remotely by CVP) **On:** 24 and 25 November 2022  
**Before:** Employment Judge Leverton (sitting alone)

## Appearances

For the Claimant: In person  
For the Respondent: Mr John Clifton – Director

## JUDGMENT

1. The claim for holiday pay is dismissed on withdrawal by the Claimant.
2. The Respondent breached the Claimant's contract by dismissing him without the four weeks' statutory notice due to him under section 86 of the Employment Rights Act 1996. The Tribunal orders the Respondent to pay the Claimant **£1,576** as net damages for his notice period under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 (SI 1994/1623) (4 x £450 less £224 received).
3. The claim for unfair dismissal under section 94 of the Employment Rights Act 1996 (ERA) succeeds. The Tribunal orders the Respondent to pay the Claimant compensation for unfair dismissal of **£2,585.40**, comprising:
  - a. a basic award of £1,305.60 (4 x £544 less 40% contribution for conduct under section 122(2) ERA)
  - b. a compensatory award of £1,279.80 made up of:
    - i. £297 net loss of earnings, i.e. £450 subject to a 10% increase for failure to follow the Acas Code of Practice on Disciplinary and Grievance Procedures under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992

(TULR(C)A) followed by a 40% deduction for contributory conduct under section 123(6) ERA;

- ii. £330 for loss of statutory rights, i.e. £500 subject to a 10% increase for failure to follow the Acas Code of Practice under section 207A TULR(C)A followed by a 40% deduction for contributory conduct under section 123(6) ERA;
  - iii. £652.80 for failure to provide a written statement of particulars of employment under section 38 of the Employment Act 2002, i.e. 2 x £544 (a week's pay) subject to a 40% deduction for contributory conduct under section 123(6) ERA.
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 (SI 1996/2349) do not apply.

**Employment Judge Leverton**

Date: 25 November 2022

Judgment sent to the Parties: 02 December 2022

FOR THE TRIBUNAL

*Note: Reasons for the decision were given orally at the hearing. Written reasons will not be provided unless a written request is presented by any party within 14 days of the sending of this written record of the decision.*

*The Employment Tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public and is now online. The Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register. If you consider these documents should be anonymised in any way, you will need to apply to the Tribunal for an order under Rule 50 of the Rules of Procedure.*